

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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LATWANA L. GILLIS,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.  
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CASE NO. 1:12-CV-1087

OPINION & ORDER  
[Resolving Docs. No. [1](#), 16]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On May 1, 2012, Plaintiff Latwana L. Gillis filed a complaint seeking judicial review of the Defendant Commissioner of Social Security's decision to deny her disability benefits.<sup>1/</sup> Consistent with Local Rule 72.2, the matter was referred to Magistrate Judge Vernelis K. Armstrong. On April 1, 2013, Magistrate Judge Armstrong issued a Report and Recommendation recommending that the Administrative Law Judge properly assessed Ms. Gillis's residual functional capacity and that the decision of the Commissioner is supported by substantial evidence in the record.<sup>2/</sup> Accordingly, Magistrate Judge Armstrong recommended that the Commissioner's decision be affirmed.<sup>3/</sup>

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection.<sup>4/</sup> The

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<sup>1/</sup>[Doc. [1](#).]

<sup>2/</sup>[Doc. [16](#).]

<sup>3/</sup>[Doc. [16](#).]

<sup>4/</sup>[28 U.S.C. § 636\(b\)\(1\)\(C\)](#).

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Act gives parties fourteen days to file objections.<sup>5/</sup> Failure to object within this time waives a party's right to appeal the district court's judgment.<sup>6/</sup> Absent objection, a district court may adopt the magistrate judge's report without review.<sup>7/</sup>

In this case, neither party has objected to the Magistrate Judge's recommendation. Moreover, having conducted its own review of the Report and Recommendation, record, and parties' briefs, the Court agrees with the recommendation of Magistrate Judge Armstrong that the Court affirm the Commissioner's decision.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Armstrong's Report and Recommendation and incorporates it fully herein by reference, **AFFIRMS** the Commissioner's denial of benefits.

IT IS SO ORDERED

Dated: April 18, 2013

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>5/</sup>*Id.*

<sup>6/</sup> Fed. R. Civ. P. 72(a); see also *Thomas v. Arn*, 474 U.S. 140, 145 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

<sup>7/</sup>*See Thomas*, 474 U.S. at 149.